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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/928,822 | 09/28/2001 | Randall C. Walker | 33050/101/103 | 8770 |
| 7590 | 10/04/2003 | | EXAMINER | |
| John L. Rooney NAWROCKI, ROONEY & SIVERTSON, P.A. Broadway Place East, Suite 401 3433 Broadway Street Northeast Minneapolis, MN 55413 | | | BASHORE, WILLIAM L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2176 | |
| DATE MAILED: 10/04/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------------|--------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/928,822 | WALKER, RANDALL C. |
| | Examiner William L. Bashore | Art Unit 2176 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 January 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This action is responsive to communications: original application filed: 8/13/2001, with continuation priority filing date of 2/2/1998, which is a continuation in part of 08/693,444 (now U.S. Patent No. 5,802,533) with filing date of 8/7/1996. IDS filed 1/22/2002 as paper 5.
2. Claims 1-16 are pending. Claims 17-52 have been canceled. Claims 1, 11 are independent claims.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Method Of Enhancing Presentation Of Text Utilizing Textual Attributes.
4. The disclosure is objected to because of the following informalities: Specification regarding related cases should be updated. In particular, specification as amended by item 7 of Applicant's request for continuation needs to be further amended to reflect that 09/016,902 is now U.S. Patent No. 6,279,017, which is a CIP of 08/693,444 filed on August 7, 1996, now U.S. Patent 5,802,533. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. **Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In regard to independent claims 1, 11, the phrase “substantially maintaining” is vague and indefinite.
It is unclear to the examiner what the scope and range of this phrase is in the context of the claimed limitations.
The examiner’s suggestion of changing said phrase in each of said claims to “*maintaining*” will overcome this rejection.

In regard to dependent claims 2-10, 12-16, claims 2-10, 12-16 are rejected for fully incorporating the deficiencies of their respective base claims.

Examiner’s Note

7. The following rejections are based upon a possible interpretation of “*substantially maintaining*” as “*maintaining*”.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1, 6-8, 10-13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Zuijlen (hereinafter van Zuijlen), U.S. Patent No. 5,060,155 issued October 1991.**

In regard to independent claim 1, van Zuijlen teaches enhancing the presentation of text having an author specified word order via graphical trees, and extracting text specific attributes (van Zuijlen Abstract, Figure 9; compare with claim 1 “*A method for enhancing presentation of text having an author specified word order comprising*”, and “*extracting text specific attributes...*”).

van Zuijlen teaches varying text presentation based on attributes (van Zuijlen Abstract). van Zuijlen does not specifically teach maintaining author specified word order, as claimed. However, van Zuijlen teaches all possible dependents of each word based on rank order and interpretations, based upon an originally maintained sentence, providing the claimed equivalent of maintaining word order, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret van Zuijlen in this fashion, providing the benefit of seeing various interpretations of original sentences to help in understanding said sentence.

In regard to dependent claim 6, van Zuijlen teaches varying presentation based upon punctuation marks and parts of speech, and rules, visual attributes and parsing shown in van Zuijlen Figures 1-17.

In regard to dependent claims 7, 8, van Zuijlen teaches folding rules based upon punctuation for text segmentation as shown in van Zuijlen column 2, also Figures 9-11.

In regard to dependent claim 10, van Zuijlen teaches displaying text segments on new lines as shown in van Zuijlen Figures 1-17.

In regard to independent claim 11, claim 11 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 12, 13, van Zuijlen teaches presentation of text representing an original sentence, including no non-textual symbols (van Zuijlen Figures 1-17).

In regard to dependent claim 16, van Zuijlen teaches attributes including punctuation and parts of speech (van Zuijlen Abstract, Figures 1-17).

10. Claims 2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Zuijlen as applied to claim 1 above, and further in view of McCloskey (hereinafter McCloskey), U.S. Patent No. 4,613,309 issued September 1986.

In regard to dependent claims 2, 9, van Zuijlen teaches varying text presentation based on attributes and punctuation (van Zuijlen Abstract). van Zuijlen does not specifically teach color. However, McCloskey shows color associated with sets in the Abstract, in an analogous art for the purpose of teaching reading. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply McCloskey to van Zuijlen, providing van Zuijlen the benefit of adding an extra visual aspect to help teach reading.

11. Claims 3-5, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Zuijlen as applied to claim 1, and 11 above, and further in view of Gross et al. (hereinafter Gross), U.S. Patent No. 5,147,205 issued September 1992.

In regard to dependent claims 3, 4, 5, van Zuijlen does not specifically teach a difficulty measure, advancement rate, estimated pronunciation time, and educational level of text. However, Gross teaches a reading aid comprising various levels of automatic speed reading (text advancement) differentiated by education difficulty level. Gross also teaches estimated display time of words, (Gross Abstract, Figure 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Gross to van Zuijlen's

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presentation, providing van Zuijlen the benefit of controlled display of presentation to aid in the learning of sentences.

In regard to dependent claim 15, van Zuijlen does not specifically teach horizontal and vertical displacements. However, Gross teaches various positioning of sections of a textual story on a screen (Gross Figures 8-10, column 13 lines 57-68 to column 14 lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Gross to van Zuijlen, providing van Zuijlen the benefit of positioning to enhance various presented sentences for easier learning of said sentences.

12. **Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over van Zuijlen as applied to claim 11 above, and further in view of Strasnick et al. (hereinafter Strasnick), U.S. Patent No. 5,671,381 issued September 1997.**

In regard to dependent claim 14, van Zuijlen does not specifically teach a perspective view. However, Strasnick teaches displaying textual data in an angled 3D perspective environment (Strasnick Abstract, Figures 2A, 4A, especially Figure 4C). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Strasnick to van Zuijlen's presentation, providing van Zuijlen the benefit of adding 3D perspective to its presentation for better visual effect.

Conclusion

4. **Prior art made of record and not relied upon is considered pertinent to disclosure.**

| | | | |
|--------|---------------------------|--------|---------|
| Walker | U.S. Patent No. 6,279,017 | issued | 08-2001 |
| Walker | U.S. Patent No. 5,802,533 | issued | 09-1998 |

Salton et al., Automatic text decomposition using text segments and text themes, ACM Conference on Hypertext and Hypermedia, March 1996, pp. 53-65.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 11:30 AM to 8:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on (703) 305-9792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry)

or:

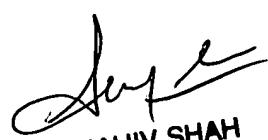
(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

or:

(703) 746-7238 (for after-final communications)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).

William L. Bashore
September 28, 2003



SANJIV SHAH
PRIMARY EXAMINER